

HOUSE No. 2151

By Mr. Mariano of Quincy, petition of Ronald Mariano for legislation to require that ice cream trucks, so-called, be equipped with warning arms in such vehicles. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT REQUIRING WARNING ARMS ON VEHICLES VENDING FROZEN DESSERTS TO CHILDREN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 16A of Chapter 101 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 adding the following new paragraph:—

4 (a) The driver of a motor vehicle meeting or overtaking from
5 either direction such vehicle referred to above stopped on the
6 street, shall stop before reaching such vehicle when the flashing
7 red lights and stop signal arm described in section 2 are in use.
8 After stopping, a driver may proceed past such vehicle at a rea-
9 sonable and prudent speed, not exceeding 15 miles per hour, and
10 shall yield the right of way to any pedestrian who crosses the
11 roadway to or from such vehicle.

12 (b) The driver of a motor vehicle on a street with separate road-
13 ways need not stop upon meeting or passing such vehicle referred
14 to in section 16A on a different roadway.

1 SECTION 2. In addition to other equipment required by law,
2 every hawker or peddler who sells frozen desserts, as defined in
3 section sixty-five G of chapter ninety-four, on or from a motor
4 vehicle, shall equip such vehicle with:—

5 (a) Signal lamps mounted at the same level and as high as
6 widely spaced laterally as practicable. These lamps shall be five to
7 seven inches in diameter and shall display two alternately flashing

8 red lights visible at 500 feet to the front and rear in normal sun-
9 light upon a straight level street.

10 (b) A stop signal arm that can be extended horizontally from
11 the left side of the vehicle. The arm shall be red and white in color
12 and contain two alternately flashing red lights duplicating the
13 design, size and specifications shown in subsection (d), and three
14 to five inches in diameter visible at 300 feet to the front and rear
15 in normal sunlight upon a straight level street. The bottom of the
16 signal arm shall be 42 inches above the street.

17 (c) A convex mirror mounted on the front so the driver in his
18 normal seating position can see the area in front of the vehicle
19 obscured by the hood.

20 (d) The stop signal arm required by subsection (b) shall be as
21 shown on the illustration.

1 SECTION 3. (a) In addition to other equipment required by
2 law, every hawker or peddler who sells frozen desserts, as defined
3 in section sixty-five G of chapter ninety-four, on or from a motor
4 vehicle, stopped on the street for the purpose of selling shall
5 actuate the special red flashing lights and extend the stop signal
6 arm required by section 2.

7 (b) These lights and the stop signal arm shall not be used when
8 the vehicle is in motion or at any time the vehicle is stopped for a
9 purpose other than selling.

1 SECTION 4. Every hawker or peddler who sells frozen
2 desserts, as defined in section sixty-five G of chapter ninety-four,
3 on or from a motor vehicle, shall have such vehicle inspected by
4 (some appropriate inspection agency or the police department)
5 once each year prior to its use for the purpose of retail sales of
6 frozen dairy products. The department shall inspect each vehicle
7 to determine whether it complies with this ordinance and other
8 state and local laws. A fee of \$300.00 shall be collected for this
9 inspection.

10 (a) A person shall not sell (on arterial streets) (on through high-
11 ways) (on streets shown on an official thoroughfare plan) (in the
12 central business district, on streets where the speed limit exceeds
13 30 miles per hour) (on divided highways where the speed limit
14 exceeds 30 miles per hour).

15 (b) A person shall not sell within 500 feet of any property used
16 as a grade, as a junior high (middle) school from one hour before
17 the regular school day to one hour after the regular school day;
18 provided, this subsection shall not apply on days when school is
19 not attended by children nor on school property when selling has
20 been approved in writing by the principal.

21 (c) A person shall sell only when the vehicle is lawfully parked
22 or stopped.

23 (d) A person shall sell only from the side of the vehicle away
24 from moving traffic and as near as possible to the curb or edge of
25 the street.

26 (e) A person shall not sell to a person standing in the roadway.

27 (f) A person shall not stop on the left side of a one-way street to
28 sell.

29 (g) A person shall not sell on a street unless there is a clear
30 view of the vehicle for a distance of 200 feet in each direction.

1 SECTION 5. Every hawker or peddler who sells frozen
2 desserts, as defined in section sixty-five G of chapter ninety-four,
3 on or from a motor vehicle shall not back such vehicle to make or
4 to attempt a sale.

1 SECTION 6. (a) Every hawker or peddler who sells frozen
2 desserts, as defined in section sixty-five G of chapter ninety-four,
3 on or from a motor vehicle shall not permit any unauthorized
4 person to ride in or on such vehicle.

5 (b) A person shall not ride in or on the vehicle unless autho-
6 rized by its owner or unless authorized in writing to do so by the
7 owner or police department.

1 SECTION 7. The Chief of police (or other appropriate official)
2 may exempt from the requirements of this ordinance any such
3 vehicle which is not used to sell to persons under 12 years of age.